

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-5362 GAF (MRW) Date June 22, 2012
Title Jackson v. Holland

Present: The Honorable Michael R. Wilner

Veronica McKamie	n/a
Deputy Clerk	Court Reporter / Recorder

Attorneys Present for Petitioner: _____ Attorneys Present for Respondent: _____

n/a n/a

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: PETITION

This is a Petitioner's third state habeas action in this Court. Petitioner was convicted of rape and numerous other sexual offenses in 2005. His conviction was subsequently affirmed on appeal.

This Court previously denied Petitioner's habeas request on the merits. (Jackson v. Felker, CV 07-3982 GAF (RC).) He subsequently filed a second habeas action. (Jackson v. Stainer, CV 11-5967 GAF (MRW).) The Court dismissed that matter as a successive petition filed without authorization from the Ninth Circuit Court of Appeals. Petitioner attempted to appeal both rulings; the Ninth Circuit denied certificates of appealability in both actions. (Jackson v. Felker, Docket # 81; Jackson v. Stainer, Docket # 10.)

In this third habeas petition, Petitioner complains that prison officials drew blood from him for AIDS testing pursuant to his criminal judgment. Petitioner contends that this action “has contaminated the potential[] of post-conviction DNA testing” in his rape case. (Docket # 1.) Petitioner also discusses evidentiary issues related to his original trial. Petitioner includes no information or evidence to show that he sought or obtained permission from the Ninth Circuit to file a second or successive federal habeas petition as required by 28 U.S.C. § 2244(b).

Based on the history of the case and the allegations stated on the face of the petition, it appears that Petitioner's current habeas petition is a successive petition that is precluded from consideration based on the clear text of the federal habeas statute. It is therefore ORDERED that Petitioner shall file a memorandum by or before July 16, 2012, not to exceed 5 pages showing good cause why this Court should not dismiss the current petition under 28 U.S.C. § 2254 (b).

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Failure to file a timely response to this Order as directed above will result in a recommendation that this action be dismissed for failure to prosecute and obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).